



Community Use of Public Facilities

MONTGOMERY COUNTY INTERAGENCY COORDINATING BOARD

Guide for Administration of the Before and After School Childcare Program Selection Process in Public Schools

PURPOSE

- 1.0 This procedure is the guideline for implementing Executive Regulation 15-14 AMIII, Before and After School Childcare Programs in Public Schools which established authority for Montgomery County to implement the Board of Education (BOE) Resolution No.19-13. The BOE resolution delegated authority to the Interagency Coordinating Board (ICB) for the Community Use of Public Facilities (CUPF), to administer the re-bid selection process for before and after school childcare programs during the school year in Montgomery County Public School facilities.

DEFINITIONS

- 2.0 Board of Education (BOE) – the entity responsible for providing leadership and oversight to Montgomery County Public Schools.
- 2.1 Childcare Service Provider – an entity licensed by the Maryland State Department of Education (MSDE) under Title 13A, Subtitle 16, *State Board of Education*, Code of Maryland Regulations (COMAR)
- 2.2 Community Use of Public Facilities (CUPF) – the office responsible for implementing actions of the Interagency Coordinating Board and County policies under Chapter 44 of the Montgomery County Code.
- 2.3 Facility Use License Agreement (FULA) – the CUPF licensing agreement, signed by a community group or individual, that states the terms and conditions governing the use of public space.
- 2.4 Interagency Coordinating Board (ICB) – the Board established under Section 44-3 of the County Code.
- 2.5 Maryland EXCELS (*Excellence Counts in Early Learning and School Age Care*) – The State of Maryland Department of Education program which awards ratings to child care programs based on established performance standards.
- 2.6 Montgomery County Public Schools (MCPS) – the entity responsible for Montgomery County, Maryland providing public education to each qualified student in Montgomery County.
- 2.7 Permit – the document provided to a community group or an individual upon approval of application stating the fees assessed, dates, times and locations reserved for an organization or individual. A permit cannot exceed 12 months or be transferred to another party. Permit renewals are not automatic.

- 2.8 Selected Childcare Service Provider – the Vendor selected by the school committee to provide custodial before and after school childcare services in a MCPS facility in designated spaces and afforded special placement considerations.

SPACES AVAILABLE FOR CHILDCARE (in or co-located with a school)

- 3.0 Childcare service providers may operate in various types of spaces within, attached or on school property, managed by different governmental agencies. There are three entities involved in the placement of childcare programs in public space. This guide is limited to the primary childcare Provider selected as the before and after school childcare Provider given a permit for shared space by Community Use of Public Facilities (CUPF).

A. Montgomery County Department of Health and Human Services (DHHS)

DHHS facilitates use of integrated space contained in MCPS facilities. Early childhood care services may be in one or more rooms within or attached to the school, or modulars that are co-located at an operating school. Montgomery County Department of Health and Human Services, Early Childhood Division, facilitates the selection of a childcare service Provider. The childcare service Provider generally signs a two-year lease with the County for exclusive use of the space with possible renewals. Enrollment in the all day/year-round program operating in this space is open to the public, and primarily provides childcare services to infants through age five.

B. Montgomery County Public Schools Joint Occupant (MCPS)

MCPS Department of Facilities Management facilitates selection of a Provider who signs a lease for exclusive use of their space, with possible renewal, provided the space is not needed for academic purposes for a minimum of three years. Joint occupancy or exclusive space is generally in classrooms or other designated areas within an open or closed school building that is not needed for academic purposes or MCPS operations (surplus). Enrollment in the all day/year-round program operating in this space is open to the public and primarily provides services to infants through age five.

C. Montgomery County Community Use of Public Facilities (CUPF)

CUPF issues permits for use of shared areas during designated times. Shared spaces are areas of a school, including athletic fields used by the schools during the day for K-12 academic and administrative purposes, which then becomes available for public use after hours, weekends and holidays. These spaces are used for a variety of activities such as before and after school childcare, weekend cultural schools, youth enrichment programs, sports, religious services, and PTA/school programs. All groups using shared space sign a Facility Use License Agreement (FULA). Enrollment in before and after school childcare programs in shared

space is available to the students attending that school location on weekdays during the school year only.

GENERAL

- 4.0 Before and After School Childcare Programs that have been selected by the Principals Selection Committee, are scheduled by CUPF and placed in areas designated by the Principal under a priority placement. This space may not be shared simultaneously with other groups, including the school or PTA.

4.1 Space Reservation for Before and After School Childcare Services

- A. When a before and after school childcare service Provider has been selected, the school will designate a room(s) for operation of the before and after school childcare program that satisfies the requirements of the Maryland State Board of Education, Child Care Licensing Division. CUPF will issue a permit to the selected childcare service provider for the duration of the school year outlining the dates and times reserved for this purpose. A facility use request is required before the start of each school year.

Spaces which are licensed by MSDE are to be maintained by the Provider at an acceptable level as required by the State. The school Principal will also ensure that the space is adequately maintained at an acceptable level for MSDE requirements.

- 1) Childcare service Providers must sign a Facility Use License Agreement, maintain required insurance, maintain a current MSDE License, and adhere to all applicable CUPF and MCPS policies, guidelines and procedures. A CUPF permit may be terminated early when the childcare service Provider's license has been revoked by MSDE, or substantive violations of the FULA occur.
- 2) CUPF will address concerns and issues related to use of shared space covered by the permit (i.e. room assignment and school support staff services).
- 3) The selected childcare service Provider must abide by MCPS closure procedures and CUPF guidelines during inclement weather days. The selected childcare service Provider may also operate during MCPS professional staff days, winter and spring school breaks, administrative holidays, and student half-days.
- 4) Enrollment in the before and after school childcare program is open for students of the school. Enrollment for students from another school requires approval from the Principal.

4.2 Problem Resolution Between Provider and Parents/Guardians Using Service

- A. The service agreement for delivery of before and after school childcare services exists between the childcare service Provider and the parent or guardian. Neither the Montgomery County Board of Education nor ICB is

responsible for the childcare service Provider's compliance with MSDE regulations or service delivery.

- B. Conflicts between parents and the childcare service Provider should be resolved in accordance with the childcare service Provider's policies, procedures and service contract.
- C. Conflicts or issues regarding the terms of the shared space permit will be mediated by CUPF. The Principal or Designee must provide adequate notification of not less than 10 business days to move childcare service Providers from the primary space to the alternate space(s) licensed by MSDE, except during emergency situations.
- D. Conflicts or issues regarding the quality or overall satisfaction with the program offered by a significant number of parents will be referred to the school's Principal. A parent satisfaction survey will be conducted jointly with the school Principal and administered by the Provider. The provider must conduct the survey and share the results within 30 days of the request and forward comments to the Principal. The Principal may request a re-bid of the school for the next school year after review of the issues in the event that repeated conflict mediation efforts have not resolved the problem(s) and a majority of parents using the service indicate a high level of dissatisfaction.

4.3 Other Requests for Advertisements

In addition to schools subject to the annual re-bid schedule, additional schools may be advertised concurrently at the request of a school to provide services where:

- 1) No before and after school childcare service Provider is in place
- 2) Childcare service Provider is no longer able to provide the service in a manner acceptable to the school community despite ongoing attempts to resolve serious problems;
- 3) Childcare service Provider is not able to meet its financial obligations to the County or fails to comply with the provisions of the FULA;
- 4) Childcare service Provider is no longer licensable by MSDE;
- 5) Childcare service Provider plans to discontinue providing services

RESPONSIBILITIES

4.4 Montgomery County Public Schools - The Principal of each school requesting a new Provider or scheduled to be re-bid or their Designee is responsible for:

- A. Notifying staff, parents and school community, in a timely manner.
- B. Providing an opportunity for the parents of the school to provide feedback to the Principal regarding satisfaction with the current childcare service Provider, program features, services they would like to see available or similar information they would like to be considered for inclusion in the evaluation criteria addressing the Provider's ability to address site needs.

- C. Communicating any program features to be included in the request for applications to CUPF.
- D. Forming a selection committee to evaluate the applications, conduct interviews, and select the next childcare service Provider for the facility.
- E. Providing periodic updates to the school community on the progress of the committee.
- F. Supporting a transition plan if a different childcare service Provider is selected. This may include:
 - a. Meeting with a new childcare service Provider
 - b. Allowing advertisement (back-pack mail, table at kindergarten orientation, new student orientation, back to school night, etc.)
- G. Provide on-going support to the success of the selected Provider (ex. not advertise and encourage services of outside Provider, inviting the selected Provider to participate in school fairs, etc.)

School Principals at schools without a current childcare service Provider may request advertisement of their location concurrently with a re-bid cycle. The same notification, application and evaluation procedures will apply.

Major safety or security issues, or possible violations of the MSDE license or other applicable laws, must be reported to the appropriate authorities (i.e. police, protective services, MSDE).

4.5 Interagency Coordinating Board is responsible for:

- A. Monitoring the performance of the Community Use of Public Facilities in implementation of this process and provide feedback for enhanced operation.
- B. Forming a sub-committee that will review written concerns about before and after school childcare, about the selection process or about Provider shared space permits. Concerns that cannot be addressed by the ICB or CUPF will be forwarded to the appropriate organization or agency.
- C. Approving a conflict of interest policy.
- D. Delivering the final decision on appeals related to protests concerning the procedures followed.

4.6 Community Use of Public Facilities is responsible for:

- A. Establishing an annual re-bid schedule and advertising Request for Applications.
- B. Notifying incumbent of account status in advance of advertised bid.

- C. Providing an orientation for the Principal and selection committee and provide rating forms and resources on a secure website.
- D. Receiving applications at the specified date and time.
- E. Notifying applicants if the proposal was received after the advertised deadline or if the applicant's account is not in good standing (balance due of \$500 or more for more than 60 days on the application submission deadline date).
- F. Providing administrative support to the school selection committee. Consult with Principal regarding potential raters who have a potential conflict of interest that may interfere with objective review.
- G. Attending all committee meetings to provide administrative support.
- H. Retaining documents related to bid or re-bid for up to five years.
- I. Issuing facility use permits to the selected childcare service Providers.
- J. Mediating space issues.
- K. Notifying the Maryland State Department of Education, Childcare Division, of any concerns related to use of unlicensed space.
- L. Coordinating with MCPS and DHHS.

4.7 Incumbent childcare service providers are responsible for:

- A. Providing services as described in their proposal.
- B. Notifying their staff and parents or guardians of children using their services that the competitive selection process has been scheduled.
- C. Keeping the Principal abreast of significant issues and sharing the results of any parent surveys or other assessments on an annual basis, at the minimum, or upon request.
- D. Enrolling in Maryland EXCELS by June 29, 2015. Maryland State Department of Education will post on a public website the names and rating level of licensed Providers participating in Maryland EXCELS. Participation is mandatory for programs receiving State Child Care Subsidy reimbursements. Acceptance of State Child Care Subsidy reimbursements is a mandatory requirement for any before and after school childcare Provider selected by this process.

PROCEDURES

5.0	Selecting School Facilities for Periodic Competitive Reconsideration	CUPF will establish a schedule as to when childcare service Provider locations will be subject to a competitive selection process. The schedule should require that each designated facility be subject to the selection process at least once every seven (7) years. The schedule must be updated annually.
5.1	Communication and Notification	<p>A. CUPF will notify each school Principal and current childcare service Provider that the school's childcare program will be subject to the competitive selection process a minimum of 45 days prior to the posting of the advertisement requesting applications.</p> <p>B. The Principal will notify the school community by any reasonable means and provide an opportunity for input as to satisfaction with current Provider, interest in serving on the selection committee and site specific service delivery needs. The Principal will communicate any specific requirements to be included in the bid.</p> <p>C. The childcare service Provider should notify parents by any reasonable means that the before and after school childcare service placement will be subject to a competitive process.</p>
5.2	Notification of Account status	At the time of notification of intent to advertise a bid, CUPF will send a current account status report to all childcare service Providers operating before and after school sites for the prior month.
5.3	Advertisement of Request for Applications	<p>A. CUPF will notify the public that it seeks applications for qualified, licensed entities to provide before and after school childcare in the identified school facilities. The advertisement will include at least one newspaper of general circulation in the County. CUPF will also post the notice on its webpage.</p> <p>B. The notification period requesting applications from interested before and after school childcare service Providers will be a minimum of 30 days, but not more than 45 days.</p> <p>C. The advertisement will include:</p> <ol style="list-style-type: none"> 1. Date, time and method(s) of submission 2. Basis for the evaluation of applications 3. Mandatory and optional submission items 3. Minimal insurance requirements 4. Condition of selection and requirements to <ol style="list-style-type: none"> a) Accept State of Maryland and local subsidies or child care assistance vouchers b) Enroll in the Maryland Excels Program

- d) Allow selection committee members to make site visits
 - c) Participate in a transition plan if applicable
 - d) Acknowledge that attempts to inappropriately influence the outcome of a school committee decision will disqualify a childcare Provider from further consideration as determined by the Principal.
5. Opportunity to identify propriety information in their application.

5.4 Selection
Committee
Composition

- A. The childcare selection committee formed by the Principal should be a minimum of five (5) members who agree to participate in both the application review and interview rating steps. The maximum committee size should be nine (9) members. The committee must be chaired by the Principal or designee, such as the Vice-Principal or another MCPS administrative official, and include:
- 1) PTA member or designee to represent parent interests
 - 2) School staff member (such as Building Services Manager, teacher, instructional specialist or comparable staff position)
 - 3) Two or more other members selected by the Principal.
 - 4) If possible and subject to the discretion of the Principal, a parent whose children use child care services.
- B. Prior to reviewing any applications, each committee member must affirm in writing that he or she will exercise fair and impartial judgment in evaluating each applicant seeking to become a childcare service Provider, disclose any vested interest and relationships they may have with any of the Providers. A disclosed relationship does not automatically disqualify a rater. The Principal will have the discretion to determine if the rater should be dismissed from the committee based on a disclosure. Failure to disclose a conflict of interest will result in dismissal from the committee.
- C. The same committee members that rated the applications will participate on the interview panel. If for any reason a member of the selection committee cannot participate in the interview, the remaining committee members will proceed with the interview process. The scores of the departing rater will not be included.
- D. The committee members must meet together (in

person, via video conference or telephone) to discuss their individual scores. Meetings are closed during proposal evaluations. Until a selection decision is posted, all responses are confidential information and must not be disclosed.

5.5 Application

- A. The structured application will be used for all sites selected for a re-bid. The application will include, but not be limited to, questions addressing:
 - 1) Applicant information: legal name, contact information of the authorized representative
 - 2) Tax Status: Non-Profit vs. For Profit and where applicable if female, minority or disabled owned
 - 3) Description of organizational experience and capability to deliver services
 - 4) Description of program and services
 - 5) Budget, fee policy and schedule
 - 6) Financial responsibility (ownership, plan for financing program, etc)
 - 7) Opportunities for parent involvement and approach to conflict mediation
 - 8) Staffing Plan
 - 9) Maryland Excels status
 - 10) Contact information for a minimum of three current references
- B. Other components of the application will include:
 - 1) A statement that the representative submitting the application has the authority to make obligations on behalf of the organization and that the information included is true and correct.
 - 2) Statements demonstrating agreement to:
 - a. Accommodate unannounced site visits by selection committees
 - b. Acknowledge disqualification from further consideration if the selection committee reports inappropriate efforts to influence the outcome of the committee's decision.
 - c. Accept State and local childcare subsidy vouchers
 - d. Enroll in Maryland Excels
 - e. Participate in transition plan, if required
 - f. Identify which answers contain proprietary information and not public information
 - g. Maintain insurance and MSDE compliance if selected.
- C. At the discretion of the childcare service Provider at the time of submission the applicant may include for distribution to the committee the following:
 - a. Reference letters
 - b. Parent handbook
 - c. Link to website

- 5.6 Transmittal of Applications
- After the application acceptance period has closed:
- A. CUPF will provide secure access of the applications to the Principal and selection committee members. An application will not be forwarded if it is received after the closing of the submission deadline or if applicant has an overdue CUPF account balance of \$500 or more for more than 60 days at the time of the submission closing date.
 - B. CUPF will provide information about the process, rating forms and other instructional information to the selection committee members.
 - C. A CUPF representative will be present during any of the committee meetings to provide administrative support to the committee at the request of the Principal, but he or she cannot participate in the rating or interviewing of any applicant.
- 5.7 Review of Applications
- A. Each member of the selection committee must:
 - 1) Read and rate each application using the rating forms and instructional materials provided
 - 2) Make a responsible judgment on the merits of each application
 - 3) Participate in all meetings of the committee and make a good faith effort to select a Provider that will benefit all children at the school
 - 4) Return all rating materials at the conclusion of the process
 - B. The Principal must distribute any feedback obtained from the school community that may have been received within six months prior to the bid announcement for consideration by the committee.
 - C. If only one childcare service Provider applies, the application must be reviewed by the childcare selection committee to determine if all of the requirements and qualifications are met. If so, the selection committee may select that childcare service Provider.
- 5.8 Rating Criteria
- A. Each application will be scored based on the advertised scale. Ratings must be awarded in whole numbers.
- The selection committee must use advertised criteria which will minimally include:
- 1) Tax status* (non-profit vs. for-profit)
 - 2) Description of organizational experience and capability to deliver services

- 3) Description of program and services
- 4) Budget, fee policy and schedule
- 5) Financial responsibility (ownership, plan for financing program, proposed budget and current financial statement)
- 6) Opportunities for parent involvement and approach to conflict mediation
- 7) Staffing plan
- 8) Maryland Excels status
- 9) Any other advertised criteria, relevant to that school facility, which has been approved by the Superintendent or designee

The committee should also review references and any recent feedback received (within past six months) regarding childcare services

*All non-profit organizations will be awarded additional points equal to 5% of the point scale advertised in the request for applications.

B. Optional Criteria - Members of the committee may visit sites operated by the applicant Providers. If the committee elects to visit a site(s), visits must be made to a site(s) operated by all the applicant(s) during the application evaluation step, or to a site(s) operated by the Providers selected to proceed to the interview step. As a courtesy, the Principal(s) at the selected site(s) should be notified of the visits in advance.

D. The combined total, technical and interview, scores of all the raters will be used.

5.9 Applicant Interviews

A. A minimum of the top three highest rated applicants based on the aggregated scores on the application step will be selected for an interview. In the event of a tie among the third highest score, both applicants should be interviewed.

B. The childcare selection committee must schedule each applicant interview and give the applicant a minimum of seven business days' notice of the interview date, time and location.

C. The selection committee must ask each applicant the same questions, in the same order and give each applicant the same opportunity to answer.

D. Each committee member will individually rate the interview. The maximum number of points to be awarded per applicant interviewed will be included in the

advertised request for applications.

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| 5.10 | Final Scoring | <p>A. Individual ratings will be anonymous and scores will only be reported in the aggregate.</p> <p>B. Scores from each of the raters on both the application review and interview steps will be added. The Provider with the highest aggregate score will be selected.</p> <p>1) In the event of a scoring tie, between a for-profit and non-profit childcare service Provider, the non-profit must be selected.</p> <p>2) In the event of a tie between two childcare service Providers with the same tax status, a consensus decision, facilitated by the Principal is required. A stalemate may be resolved by majority vote.</p> |
| 5.11 | Selection | <p>The Principal or designee must notify CUPF of the name of the childcare service Provider chosen by the selection committee and forward to CUPF all documents used by the childcare selection committee. CUPF must post the name of the childcare service Provider selected on CUPF's web page. The posting should remain on CUPF's web page for a minimum of 30 days.</p> |
| 5.12 | Post Selection Feedback | <p>A. At the conclusion of the rating process, a summary of the scores will be prepared. The summary form will list for each applicant, the combined scores of the raters on each application and interview (as applies), scoring range and any additional comments recorded by the selection committee. Where a range of scores significantly deviates more than 25 points above or below the average, a notation should be made on the form by the Principal indicating that these deviations were discussed by the group and supported by the rater. Raters cannot be forced to change their scores.</p> <p>Upon request applicants may review the summary sheet at the conclusion of the process.</p> |
| 5.13 | Committee Decision | <p>The decision of the childcare selection committee is final. Protests related to the selection process used by the committee may be submitted to the ICB for its review and decision.</p> |
| 5.14 | Transition Plan | <p>A. CUPF will ask the current childcare service Provider to notify the impacted parents and staff immediately upon being notified of the selection committee's decision if not selected.</p> |

- B. CUPF will ask the Principal to notify the school community via a notification in a visible site and other available resource such as a school newsletter that a new Provider has been selected. This notice should include:
- Name and contact information of the selected childcare service Provider
 - Date as to when the change becomes effective

The Principal should also:

- Allow MSDE access to the school for inspection and licensing of the space for the new childcare service Provider
- Allow new Provider to advertise their program

5.15 Record Retention and Review

- A. Paper and electronic copies of all applications and supplemental information will be kept by CUPF for five (5) years, provided this information is transmitted to CUPF by the school selection committee. CUPF is not responsible for materials not returned.
- B. CUPF will respond to written requests to review the summary rating form that are received within ten (10) days of the selection posted by CUPF.

5.16 Review of CUPF Process and Remedies

~~Application Retention and Review~~ Applicants may request a review of the process if they feel that there was a violation of the process outlined in Regulation 15-14AMIII. The Regulation establishes the following process:

- A written complaint about the selection process that is addressed to the CUPF Director may be made within five days of CUPF's posting the decision online.
- CUPF will revise its web posting to indicate that a protest was received and notify the selected vendor and MCPS of a complaint regarding the process. Within five days of the revised post/notice, the selected party and others may also submit comments.
- CUPF staff will prepare a response to the ICB that includes information from the applicant who submitted the request and other affected applicants, as applies. The response will also include CUPF's documentation regarding conduct of the process. ICB will review available documentation. ICB or ICB Committee may convene a conference with all interested parties. In addition to this review, ICB may submit the findings to a Hearing Officer for review. The Hearing Officer would submit his/her recommendation to the ICB as to whether sufficient cause exists indicating that there was a procedural violation.

- The ICB /ICB Subcommittee may accept, modify or reject the recommendation of the or Hearing Officer
- The decision of the ICB is final

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Interagency Coordinating Board for the Community Use of Public Facilities

Before and After School Childcare Service Selection Presumed Conflict of Interest Policy

Committee members may be excused if they directly or indirectly, through business, investment, or family meet any of the following conditions related to any of the applicants:

- own, hold debt, or have an economic interest in the Provider's business (excluding stock owned through a mutual fund, retirement plan, or other similar commingled investment vehicle which is managed or controlled by another)
- is currently or has been, or has a family member who is or has been, an employee or volunteer of the Provider within the past year
- has received an offer of employment for self, spouse, domestic partner, family members, or friends from the Provider.
- has a close personal relationship with a Provider owner, director, employee, or persons who are closely affiliated with the Provider (e.g. spouse, domestic partner, family members)
- is a voting or non-voting member of the organization's board of directors or advisory committee
- has received or has been offered compensation or other personal gain/benefit such as the dismissal of existing debt or receipt of discounts other than those offered in the Provider's standard fee schedule or operating policies by an applicant
- is in a position to supply goods and/or services in exchange as compensation or special accommodations to any of the applicants
- expects to receive a gift or favor that is not insubstantial,
- is currently or has been a party to or has an interest in any pending legal proceedings
- is or has been a party to a dispute involving an applicant

However, having been a customer or a current customer of any of the applicants is not grounds for such a determination in the absence of other conditions indicating a possible conflict or vested interest.

The determination will be made by CUPF in consultation with the Principal.

Based on
ICB Resolution No. 14-005
December 17, 2014